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September 5, 2013

VIA ECF

The Honorable Denise L. Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1610
New York, NY 10007-1312

Re: *Eastman Kodak Company v. Ricoh Company, Ltd.*, No. 12-cv-3109 (DLC)

Dear Judge Cote:

On behalf of Ricoh Company, Ltd. ("Ricoh"), we are writing to advise the Court regarding a scheduling conflict related to the October 7, 2013 trial ready date set by the Court's Pretrial Scheduling Order (Dkt. No. 109). Specifically, Brian Becker, Ph.D., Ricoh's damages expert, will be out of the country from September 25 to October 11 testifying in a previously-scheduled trial. As the Court is aware, the trial in this case will be limited to damages issues and, therefore, Dr. Becker will be a key Ricoh witness at trial.

On August 28, we contacted the Court's Scheduling Deputy and counsel for Eastman Kodak Company ("Kodak") to determine whether the Court and Kodak would be available for trial (which we expect to last two to three days) during the October 16-22 time frame. The Court's Scheduling Deputy indicated that the Court is available October 16-18 but that the Court has a criminal trial tentatively scheduled during the week of October 21. Yesterday, Kodak informed us that one of its fact witnesses is unavailable on October 16-17 because he will be in California for a board of directors meeting.

As we have advised Kodak's counsel, Mr. Edward Fasano, Ricoh's expert on digital camera-related issues, is unavailable beginning on October 23 and will be out of the country on a previously-scheduled vacation from October 25 to November 6. Separately, John Quinn, Ricoh's lead trial counsel, has scheduling conflicts and is unavailable October 14-15 and November 9-25.

Under the circumstances, Ricoh respectfully requests that the Court vacate the October 7 trial ready date in light of Dr. Becker's unavailability. Ricoh also respectfully requests (i) that the

Court set the trial on October 18 and 21-22 if the Court's tentatively scheduled criminal trial is not going forward, or (ii) if that criminal trial is going forward, that the parties be directed to confer with the Court's Scheduling Deputy regarding the Court's available trial dates in December.

Respectfully submitted,

A handwritten signature in blue ink that reads "David Eiseman". The signature is written in a cursive, flowing style.

David Eiseman

cc: Robert Gunther, Jr. (via electronic mail)
Michael Summersgill (via electronic mail)